

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 6, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner of Bose McKinney and Evans, was present as an observer.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the February 20, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the March 6, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred eighty-one (381) renewals approved, thirty-eight (38) new and/or transfer permits approved, six (6) permits approved for catering, five (5) permits approved for first year escrow, two (2) permits approved for second year escrow, four (4) permits approved for third year escrow, three (3) permits approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-05259 WINGZ 2 U, LLC – Chairman Heath noted this is a type 210 renewal application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-05259 MARK EDWARD DEARING – Chairman Heath noted this is a type 210 transfer of ownership with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-21983 SANNAH, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board cited 905 IAC 1-27-4(a)(b)(c)(d) as reasons for recommending denial of this new permit.

Commissioner Guthrie moved to uphold the local board's recommendation and disapprove the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR46-08657 SANTIAGO'S DOS, INC. – Commissioner Guthrie noted the local board recommended denial of this application, but there was no tape recording made, so the Commission has no way of determining whether there was sufficient evidence to support the local board's recommendation. Their main concern had to do with the ownership. The Commissioner spoke with the permittee's attorney regarding this matter and the attorney stated that the ownership issues would be taken care of.

Commissioner Guthrie moved to remand this to the local board for a reinvestigation regarding the ownership of the permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make twenty-six (26) permits inactive. Five (5) permits are subject to auction and twenty-one (21) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER